

P-421, P-559, P-555, P-407, P-430/CP-88-629RETURNING PETITION FOR FURTHER
SIGNATURES AND OTHERWISE DENYING CHALLENGE TO PETITION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of a Petition for Extended Area
Service from Chatfield and Stewartville to
Rochester and Surrounding Communities

ISSUE DATE: January 13, 1989

DOCKET NO. P-421, P-559, P-555, P-407, P-
430/CP-88-629

ORDER RETURNING PETITION FOR
FURTHER SIGNATURES AND
OTHERWISE DENYING CHALLENGE TO
PETITION

PROCEDURAL HISTORY

On September 15, 1988 telephone subscribers in Chatfield and Stewartville filed a petition under Minn. Rules, part 7815.0700, requesting Extended Area Service (EAS) from both communities to the Rochester EAS calling area. On October 17, 1988 two of the telephone companies which would be affected by the request, Rock Dell Telephone Company (Rock Dell) and Pine Island Telephone Company (Pine Island), filed a challenge to the petition.

The companies challenged the petition on the following grounds:

- (1) its description of the proposed EAS route was ambiguous;
- (2) the cover letter accompanying it reflected confusion regarding the boundaries of the current Rochester EAS calling area;
- (3) each page of the petition did not contain a separate description of its subject matter;
- (4) the two communities should have submitted separate petitions; and
- (5) the petition did not bear the required number of valid signatures from the Chatfield exchange.

Northwestern Bell Telephone Company (Northwestern Bell), which serves Chatfield, audited the Chatfield signatures at the Commission's request. The company reported that 30 of the signatures were invalid, for reasons such as the appearance of more than one signature per billing number. Once invalid signatures were discounted, the petition lacked 19 signatures of meeting the 15% of all customers requirement of Minn. Rules, part 7815.0700.

No party, including the petition sponsor, disputed Northwestern Bell's report.

FINDINGS AND CONCLUSIONS

Challenges Unrelated to Number of Signatures

The Commission finds that the objections raised to the petition by Rock Dell and Pine Island, with the exception of the challenge to the number of signatures by Chatfield subscribers, do not rise to a level requiring rejection of the petition. The petition was filed on the form supplied by the Department of Public Service, as required by Minn. Rules, part 7815.0700. That rule sets forth other requirements on the form and content of the petition, which were all met. Minn. Rules, part 7815.0700, A through F.

The companies' contention that the description of the calling area to which EAS was sought was too vague to apprise signers of its nature is unconvincing. The Commission believes that persons asked to sign the petition would know that "Extended Northwestern Bell of Rochester" referred to Rochester and the surrounding communities with which it is linked by Extended Area Service. Similarly, the reference in the cover letter to Kasson, which is not linked to Rochester by EAS, does not establish that the signers of the petition were confused about what they were requesting.

The rule does not require that each page of the petition contain a description of its subject matter, and the petition's failure to do this is not a fatal flaw. Finally, the rule does not forbid combining petitions from two exchanges, as the petition sponsor did in this case.

Challenge to Number of Signatures

The companies' challenge regarding the number of signatures from the Chatfield exchange is valid and will be sustained. The Commission cannot act on the Chatfield petition unless and until it has been signed by 15% of all Chatfield subscribers. Minn. Rules, part 7815.0700. The petition needs 19 more signatures to meet this requirement. The Commission finds that the petition's failure to contain the required number of signatures was inadvertent and that the sponsor should be given an opportunity to obtain the additional 19 signatures.

The Commission is unwilling to delay consideration of the Stewartville petition indefinitely, however, despite the fact that it was filed with the Chatfield petition. If the 19 additional Chatfield

signatures have not been filed within 30 days, the Commission will take up the Stewartville petition by itself.

ORDER

1. The petition for Extended Area Service from Chatfield and Stewartville to Rochester and Surrounding Communities is returned to the petition sponsor for 30 days to allow an opportunity to obtain the additional 19 signatures from Chatfield subscribers necessary to meet the requirements of Minn. Rules, part 7815.0700.
2. The challenge of Rock Dell Telephone Company and Pine Island Telephone Company to this petition is in all other respects denied.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)